

**BUFFALO COUNTY BOARD OF SUPERVISORS  
BUFFALO COUNTY BOARD OF EQUALIZATION  
TUESDAY, SEPTEMBER 8, 2009  
9:00 A.M.**

The Buffalo County Board of Supervisors and the Buffalo County Board of Equalization met on Tuesday, September 8, 2009 at 9:00 A.M. and 10:30 A.M. Chairman Pierce called the meeting to order and led those present in the Pledge of Allegiance. The following Board members responded to roll call: Horace Dannehl, Kent Greder, Ivan Klein, Timothy Loewenstein, William McMullen, Sherry Morrow and Richard Pierce. Chairman Pierce announced that in accordance with Section 84-1412 of the Nebraska Revised Statutes, a current copy of the Open Meetings Act is available for review and is posted at the back of the Board Room.

Posting and publishing gave notice of the meetings in advance, thereof. Notice of the meetings was simultaneously given to all members of both Boards; and availability of the agenda was communicated in the advance notice and in the notice to both Boards of this meeting. Said agenda was also furnished to all area news media. A copy of the acknowledgment and receipt of notice and agenda by the Board members is attached to these minutes. County Clerk Janice Giffin took all proceedings hereinafter shown while said meeting was open to the public. County Attorney Shawn Eatherton was present.

Chairman Pierce called for Citizen's forum and no one was present at this time to address the Board.

**CONSENT AGENDA**

Chairman Pierce inquired if there was anything which needed to be removed from the Consent agenda. There was nothing to be removed therefore; Chairman Pierce declared the General County Business listed below approved without further hearing.

**GENERAL COUNTY BUSINESS**

1. Approve August 25, 2009 minutes
2. Accept reports
  - Buffalo County Detention Center July 2009 Report
  - Veterans' Service July 2009 Report
  - Clerk of the District Court August 2009 Fee Report
  - Buffalo County Treasurer August 2009 Fund Balance Report

**JUSTICE CENTER PROJECT**

Bill Barritt from Beckenhauer Construction was present for updated reports and discussion of the Justice Center Project. Barritt presented Contract Change Order #4 for Phase 1B of the Construction project. This is a compilation of previously approved Change Requests. Moved by Dannehl and seconded by Morrow to approve Contract Change Order #4 on the Phase 1B of the Construction project. Upon roll call vote, the following Board members voted "Aye": Dannehl, Morrow, Greder, Klein, Loewenstein, McMullen and Pierce. Motion declared carried.

Moved by Klein and seconded by Loewenstein to ratify Chairman Pierce's signature on Change Request #39 of Phase 1B project. This change request was discussed in the August 25, 2009 meeting and referred to the Oversight Committee. After review by the Oversight Committee, Chairman Pierce signed the request so that the project would continue to move forward. Upon roll call vote, the following Board members voted "Aye": Klein, Loewenstein, Dannehl, Greder, Morrow, McMullen and Pierce. Motion declared carried.

**REGULAR AGENDA**

Chairman Pierce reviewed the following correspondence with the Board. U.S. Census Bureau sent survey on targeted nonsheltered outdoor locations where people experiencing homelessness are known to live. Newsletters were received from Crime Times, Buffalo County Community Partners, NPAIT and the SAFE Center. The City of Kearney sent notice of the Kearney Area Solid Waste Agency meeting. The State Fire Marshal sent the testing report of the automatic sprinkler system and fire alarm components. The State Department of Agriculture sent request of Animal Control Procedure Verification. Natural Resources Conservation Service sent information on the Conservation Stewardship Program. Chairman Pierce then called on each Board member for the various committee reports and recommendations.

Moved by Morrow and seconded by Klein to transfer \$.40 from the General Fund (100) to the Bridge Fund (300) to correct the balance of a transfer at the August 25, 2009 board meeting. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Dannehl, Greder, Loewenstein, McMullen and Pierce. Motion declared carried.

Moved by Loewenstein and seconded by Dannehl to approve the inventory statements filed by all of the County Officials and to file the inventory statements with County Clerk Janice Giffin as a public record. All Board members signed the certification of examination and approval. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Dannehl, Greder, Klein, McMullen, Morrow and Pierce. Motion declared carried.

Moved by Loewenstein and seconded by Greder to table the acceptance of the road top maintenance petition for further review until September 22, 2009. This road top maintenance request is for road located on portion of 168<sup>th</sup> Road and Central Place Road, Buffalo County. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Greder, Dannehl, Klein, McMullen, Morrow and Pierce. Motion declared carried.

Moved by Morrow and seconded by Greder to approve the tax refund request submitted by County Treasurer Jean Sidwell for Darlene Poulson in the amount of \$33.26. Upon roll call vote, the following Board members voted "Aye": Morrow, Greder, Dannehl, Klein, Loewenstein, McMullen and Pierce.

County Sheriff Neil Miller was present to discuss the replacement of a 2009 Dodge Charger patrol car that was involved in an accident. Moved by Loewenstein and seconded by McMullen to authorize Sheriff Miller to purchase a 2009 Dodge Charger under the Indiana State Contract for \$20,959.00. Buffalo County will receive \$20,550.00 from NIRMA, the insurance provider. The Nebraska state contract does not have any 2009 Dodge Chargers available and the 2010 vehicle contract is not available at this time. Upon roll call vote, the following Board members voted "Aye": Loewenstein, McMullen, Dannehl, Greder, Klein, Morrow and Pierce. Motion declared carried. Moved by Loewenstein and seconded by Dannehl to approve an early claim from the General Fund for \$409.00 to Fletcher Chrysler. This is the difference in the insurance claim and the total purchase price of the replacement vehicle. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Dannehl, Greder, Klein, McMullen, Morrow and Pierce. Motion declared carried.

Highway Superintendent Ron Sklenar was present for the following Agenda items. Moved by McMullen and seconded by Klein to accept the low bid of Husker Steel in the amount of \$52,350.00 for deck slabs on Project Nos. C10 (577) and C10 (575). Upon roll call vote, the following Board members voted "Aye": McMullen, Klein, Dannehl, Greder, Loewenstein, Morrow and Pierce. Motion declared carried.

Moved by McMullen and seconded by Dannehl to accept the bid amount of \$155,684.00 for the combined bid of Wilke Contracting and Midland Contracting for Concrete Box Culverts Project Nos. C10 (596), C10 (873) and C10 (844). Upon roll call vote, the following Board members voted "Aye": McMullen, Dannehl, Greder, Klein, Loewenstein, Morrow and Pierce. Motion declared carried.

Moved by McMullen and seconded by Klein to reduce the speed limit to 35 MPH from a point of the Village of Shelton City Limits or approximately the 115<sup>th</sup> Road Intersection and Shelton Road north on the Shelton Road for 1,600 feet because of a Day Care Center located in the area. Upon roll call vote, the following Board members voted "Aye": McMullen, Klein, Dannehl, Greder, Loewenstein, Morrow and Pierce. Motion declared carried.

Moved by McMullen and seconded by Loewenstein to set the bid date of October 27, 2009 for One New Motor Grader. Upon roll call vote, the following Board members voted "Aye": McMullen, Loewenstein, Dannehl, Greder, Klein, Morrow and Pierce. Motion declared carried.

Moved by McMullen and seconded by Dannehl to set the date of October 27, 2009 for bids on Project No. C10 (586), a Rehabilitation Project for structure number C001025030 located south of Gibbon. Upon roll call vote, the following Board members voted "Aye": McMullen, Dannehl, Greder, Klein, Loewenstein, Morrow and Pierce. Motion declared carried.

Chairman Pierce opened the public hearing to approve the 2009-2010 Fiscal Year Budget for Buffalo County at 10:05 A.M. No one from the public was present to address the Board and Chairman Pierce closed the public hearing at 10:10 A.M. After review comments by the Budget Committee, it was moved by Morrow and seconded by McMullen to approve an additional 1% Board approved increase in the prior year's budgeted restricted funds subject to limitation as allowed by law. Upon roll call vote, the following Board members voted "Aye": Morrow, McMullen, Dannehl, Greder, Klein, Loewenstein and Pierce. Motion declared carried.

Moved by Morrow and seconded by McMullen to approve the following Resolution 2009-56 to authorize the petty cash accounts for the various offices. Upon roll call vote, the following Board members voted "Aye": Morrow, McMullen, Dannehl, Greder, Klein, Loewenstein and Pierce. Motion declared carried.

### **RESOLUTION 2009-56**

We, the Buffalo County Board of Supervisors, authorize petty cash funds to be operated by the Sheriff's Office in the amount of \$2,500.00; the County Attorney's Office in the amount of \$1,500.00; the County Treasurer's Office in the amount of \$13,000.00; the Probation Office in the amount of \$50.00; the Public Defenders Office in the amount of \$2,000.00; the Clerk of the District Court in the amount of \$1,000.00; and Extension in the amount of \$2,000.00.

Moved by Morrow and seconded by Klein to approve the Buffalo County Budget 2009- 2010 fiscal year Resolution 2009-57. Morrow reported that the published Notice of Hearing and Budget Summary is different than the one before the Board today. At the August 25, 2009 meeting the Building and Grounds Fund was closed without the August receipts included in the transfer to the General

Fund. To correctly reflect the budget activity the change was necessary. A revised Budget statement will be published. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Dannehl, Greder, Loewenstein, McMullen and Pierce. Motion declared carried.

**RESOLUTION 2009-57**  
**RESOLUTION OF ADOPTION AND APPROPRIATIONS**

WHEREAS, a proposed County Budget for the Fiscal Year July 1, 2009 to June 30, 2010, prepared by the Budget Making Authority, was transmitted to the Buffalo County Board of Supervisors on the 8<sup>th</sup> day of September 2009.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of Buffalo County, Nebraska as follows:

SECTION 1. That the budget for the Fiscal Year July 1, 2009 to June 30, 2010 as categorically evidenced by the Budget Document is, and the same hereby is, adopted as the budget for Buffalo County for said Fiscal Year.

SECTION 2. That the offices, departments, activities, and institutions herein named are hereby authorized to expend the amounts herein appropriated to them during the fiscal year beginning July 1, 2009 and ending June 30, 2010.

SECTION 3. That the income necessary to finance the appropriations made and expenditures authorized shall be provided out of the unencumbered cash balance in each fund, revenues other than taxation to be collected during the fiscal year in each fund, and tax levy requirements for each fund.

Chairman Pierce opened the public hearing to approve the property tax requests for fiscal year 2009-2010 at 10:15 A.M. No one was present to address the Board and the hearing was closed. Moved by Morrow and seconded by Greder to approve Resolution 2009-58. Upon roll call vote, the following Board members voted "Aye": Morrow, Greder, Dannehl, Klein, Loewenstein, McMullen and Pierce. Motion declared carried.

**RESOLUTION 2009-58**

WHEREAS, Nebraska Revised Statue 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Governing Body of the County of Buffalo passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, it is in the best interest of the County of Buffalo that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW, THEREFORE the Governing Body of the County of Buffalo, by a majority vote, resolves that the 2009-2010 property tax requests be set and as follows:

FUND	2008-2009 Actual Property Tax Request	2009-2010 Proposed Property Tax Request
General	11,618,036.84	11,684,381.37
Veteran’s Aid	29,940.39	27,758.75
Bond	<u>1,739,984.45</u> (outside limit)	<u>1,738,475.00</u> (outside limit)
TOTAL	13,387,961.68	13,450,615.12

Bruce Lefler from Ameritas Corporation gave a short presentation to the Board about the American Recovery and Reinvestment Act of 2009. The purpose of the American Recovery and Reinvestment act is to stimulate economic development in newly defined Recovery Zones. After discussion, it was moved by Loewenstein and seconded by Dannehl to sign the State Department of Economic Intent to issue Recovery Zone Bonds. County Attorney Shawn Eatherton advised the Board that the Intent to issue the Recovery Zone Bonds also needed to have the amount and the date of bond issuance with the signature. Motion was withdrawn. Chairman Pierce announced a committee of Supervisors Loewenstein, McMullen and Pierce to meet with Jonathan Krebs, Buffalo County Economic Development Council Executive Director to discuss this and come back to the Board with a recommendation.

Moved by Morrow and seconded by Greder to recess the regular meeting of the Board of Supervisors at 10:55 A.M. and reconvene as a Board of Equalization. Upon voice vote all Board Members present voted “Aye”. None voted “Nay”. Motion declared carried.

**BOARD OF EQUALIZATION**

Chairman Pierce called the Board of Equalization to order in open session. County Assessor Joe Woodward and County Treasurer Jean Sidwell were present. Moved by Loewenstein and seconded by Morrow to approve the renewal application for motor vehicle tax exemption as indicated on the application by County Treasurer Jean Sidwell for Countryside Christian Church on a 2000

Ford Excursion. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Morrow, Dannehl, Greder, Klein, McMullen and Pierce. Motion declared carried.

Moved by McMullen and seconded by Greder to approve tax list corrections 3606 through 3609 and 3617 through 3627 submitted by County Assessor Joe Woodward. Upon roll call vote, the following Board members voted "Aye": McMullen, Greder, Dannehl, Klein, Loewenstein, Morrow and Pierce. None voted "Nay". Motion declared carried.

Moved by Loewenstein and seconded by Morrow to recess the Board of Equalization at 10:59 A.M. and to return to the regular meeting of the Board of Supervisors. Upon voice vote all Board Members present voted “Aye”. None voted “Nay”. Motion declared carried. Supervisors Dannehl and Greder left the meeting to attend the groundbreaking ceremony at the fairgrounds.

**ZONING**

Chairman Pierce opened the Zoning Agenda hearing at 11:00 A.M. Deputy County Attorney Andrew Hoffmeister, Zoning Administrator LeAnn Klein and Surveyor Mitchell Humphrey were present at this time. Chairman Pierce opened the public hearings for Administrative Subdivisions. The first application was for property located in part of the Northwest Quarter of Section 4, Township 10 North, Range 13 West of the 6th p.m., Buffalo County, Nebraska to be known as Chizel-Sich Administrative Subdivision. Humphrey reviewed the application that he submitted on behalf of Dawn Brooks. No one else was present to address the Board and Chairman Pierce closed the public hearing.

Moved by Morrow and seconded by McMullen to approve Resolution 2009-59. Upon roll call vote, the following Board members voted "Aye": Morrow, McMullen, Klein, Loewenstein and Pierce. Absent: Dannehl and Greder. None voted "Nay". Motion declared carried.

**RESOLUTION 2009-59**

WHEREAS, Dawn Marie Brooks, a single person hereinafter referred to as “applicants” have filed for an administrative Subdivision to be known as “Chizel-Sich Administrative Subdivision” with the Buffalo County Clerk and/or Zoning Administrator, and

WHEREAS, on the Zoning Administrator forwarded this application to this Board, and

WHEREAS, on September 8, 2009 this Board conducted a public hearing and finds:

1. The proposed administrative subdivision is located in part of Government Lot Three (3) and part of Government Lot Four (4), in the Northwest Quarter of Fractional Section Four (4), Township Ten (10) North, Range Thirteen (13) West of the Sixth P.M., Buffalo County Nebraska and is in the Agricultural (AG) Zoning District for Buffalo County, Nebraska.
2. The proposed plat for this subdivision fulfills Buffalo County’s Subdivision Resolution requirements for administrative subdivisions specifically allowed under Section 3.02 together with other provisions applicable thereto.
3. Pole Line Road, a Buffalo County section line open public road abuts the proposed subdivision. The width of that road after dedication complies with minimum width standards required by the Buffalo County Subdivision Resolution.
4. Title search paperwork has been provided to the Buffalo County Attorney’s Office and that office has cleared title based upon the title search documents delivered to that office by applicants.
5. This proposed administrative subdivision should be approved.

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS in regular session with a quorum present, that the plat of “Chizel-Sich Administrative Subdivision”, an administrative subdivision being in part of Government Lot Three (3) and part of Government Lot Four (4), in the Northwest Quarter of Fractional Section Four (4), Township Ten (10) North, Range Thirteen (13) West of the Sixth Principal Meridian, Buffalo County, Nebraska, duly made out, acknowledged and certified, is hereby approved, accepted, ratified, and authorized to be filed and recorded in the Office of the Register of Deeds, Buffalo County, Nebraska.

Chairman Pierce opened the public hearing for Administrative Subdivision to be known as Patel Administrative Subdivision. Humphrey reviewed the application that he submitted on behalf of RAJB Patel Co. for property described as part of the Southeast Quarter of the Northeast Quarter of Section 5, Township 8 North, Range 18 West of the 6<sup>th</sup> p.m., Buffalo County Nebraska. No one else was present and Chairman Pierce closed the public hearing. Moved by Loewenstein and seconded by Morrow to approve Resolution 2009-60. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Morrow, Klein, McMullen and Pierce. Absent: Dannehl and Greder. None voted "Nay". Motion declared carried.

**RESOLUTION 2009-60**

WHEREAS, RAJB Patel, Co., by Bharatkumar C. Patel, President, a Nebraska corporation hereinafter referred to as “applicants”, whether one or more, have filed for an administrative Subdivision to be known as “Patel Administrative Subdivision” with the Buffalo County Clerk and/or Zoning Administrator, and

WHEREAS, on the Zoning Administrator forwarded this application to this Board, and

WHEREAS, on September 8, 2009 this Board conducted a public hearing and finds:

1. The proposed administrative subdivision is located in part of the Southeast Quarter of the Northeast Quarter (SE1/4NE1/4) of Section Five (5), Township Eight (8) North, Range Eighteen (18) West of the Sixth P.M., Buffalo County Nebraska and is in the Commercial (C) Zoning District for Buffalo County, Nebraska.
2. The proposed plat for this subdivision fulfills Buffalo County's Subdivision Resolution requirements for administrative subdivisions specifically allowed under Section 3.02 together with other provisions applicable thereto.
3. Buffalo Creek Road, a Buffalo County section line open public road abuts the proposed subdivision on its south boundary. The width of that road after dedication complies with minimum width standards required by the Buffalo County Subdivision Resolution. Nebraska State Highway #183 abuts the proposed subdivision for part of its eastern boundary. U.S. Highway #183 where it abuts the proposed subdivision is not on a section line. The subdivision as presented complies with minimum width standards required by Buffalo County Subdivision Resolution.
4. Title search paperwork has been provided to the Buffalo County Attorney's Office and that office has cleared title based upon the title search documents delivered to that office by applicants.
5. Previously the Buffalo County Board of Zoning Adjustment in meeting of August 13, 2009 allowed Lot One (1) in the proposed subdivision by relaxation of minimum lot size together with specified and conditioned relaxation of building setbacks for such lot.
6. This proposed administrative subdivision should be approved.

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS in regular session with a quorum present, that the plat of "Patel Subdivision", an administrative subdivision being part of Southeast Quarter of the Northeast Quarter (SE1/4NE1/4) of Section Five (5), Township Eight (8) North, Range Eighteen (18) West of the Sixth P.M., Buffalo County Nebraska duly made out, acknowledged and certified, is hereby approved, accepted, ratified, and authorized to be filed and record in the Office of the Register of Deeds, Buffalo County, Nebraska.

At 11:12 A.M. Chairman Pierce asked if there was anything else to come before the Board before he declared the meeting adjourned until Tuesday, September 22, 2009 at 9:00 A.M. Chairman Pierce instructed County Clerk Janice Giffin to publish notice for the same according to Nebraska law.